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2292 7590 08/22/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER				
DESAL, ANISH P				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Continuation of Box 11:

1. With respect to the art rejections based on Bonk et al. (US 4,731,273), Woods (US 4,414,275), Komiyama et al. (US 5,118,567), Polski et al. (US 5,599,601), and Lautenschlaeger et al. (US 4,814,215), Applicant argues following:
2. Applicant asserts that the present application does not refer to an adhesive tape as it is commonly known but to both one single PSA strip/strand/string, and at the same time to, several individual pressure sensitive geometries. Additionally, Applicant refers Examiner to Figure 2 of his/her specification which shows production method of Applicant's device (page 7 of 08/07/08 amendment). According to Applicant, the sealing material as formed by the present invention cannot be used as heat recoverable closures (Bonk et al.) in the processing of semiconductor wafers (Komiyama et al.), as a diaper closure tape of Polski et al., in window structures as described by Lautenschlaeger et al. or as protective adhesive coating described by Woods (page 7 of 08/07/08 amendment).
3. In response, the Examiner submits following: it is respectfully submitted that Applicant's arguments based on the production method (Figure 2) are not found persuasive because they are not commensurate in scope with the claimed invention. Further, as to Applicant's argument that the sealing material formed by the present invention cannot be used as for example heat recoverable closures of Bonk et al., this arguments is not commensurate in scope with respect to the basis of the rejection. It is respectfully submitted that the issue is not whether Applicant's claimed invention can be

used by the prior art; instead the issue is whether the prior art of record renders the presently claimed invention obvious.

4. Applicant argues that the thickness of 0.5 to 5.0 mm is highly unusual for PSA material. The usual ways to produce PSA tapes do not allow thickness in the range claimed here in (as consequence of interrelated factors...like for example, viscosity, curing time and drying speed of the adhesive mass) (pages 10-11 of 08/07/08 response). The Examiner respectfully submits that Applicant's arguments are not commensurate in scope with the claimed invention. Specifically, arguments related to adhesive viscosity, composition etc. are not commensurate in scope with the claimed invention, because the claims do not require viscosity of the adhesive mass. Moreover, it is respectfully submitted that claim requires thickness of 0.5 to 50 mm (claim 21) and 0.5 to 10 mm (claim 39) not 0.5 to 5.0 mm. Accordingly, all of the art rejections are sustained.

5. Finally, it is noted that Applicant states that "Admittedly, there are hundreds of documents relating to pressure sensitive adhesives strips or tapes based on or comprising certain acrylates, crosslinking agents, initiators, fillers, flame-proofing agents and/or colourants and wound into a continuous roll. To a certain extent every pressure sensitive adhesive tape necessarily has a three-dimensional structure with a certain length, width, and height too." (pages 8-9 of 08/07/08 response). This is taken as an admission by the Examiner that Applicant acknowledges that PSAs having the three-dimensional structure comprising acrylates, crosslinking agents, initiators, fillers, etc. are known in the art.

Continuation of Box 13:

6. The Examiner respectfully wishes to clarify that contrary to Applicant's assertion on page 7 of 08/07/07 amendment, the following rejections are not based on 35 USC Section 102(b) or 103(a); instead they are based on 35 USC Section 103(a) only: claims 21, 33, 28, 30, 32, 33, and 38-40 are rejected based on 35 USC Section 103(a) over Bonk et al. (US 4,731,273). Similar is true for the art rejections based on Woods (US 4,414,275) and Komiyama et al. (US 5,118,567).

/Anish Desai/

Examiner, Art Unit 1794

/Hai Vo/

Primary Examiner, Art Unit 1794